

MAYORAL DUTIES UNDER THE CHARTER CITY OF SAN DIEGO

EXECUTIVE AND ADMINISTRATIVE SERVICE

ARTICLE V

(All executive authority, power, and responsibilities conferred upon the City Manager in this Article are transferred to the Mayor during the operative period of Charter Article XV. See Charter § 260(b).)

CHARTER SECTION 27: THE CITY MANAGER

Section 27 is superseded in its entirety by Charter Sections 260 and 265 during the operative period of Charter Article XV See Charter § 260(b).

CHARTER SECTION 28: DUTIES OF THE MANAGER

Sub-Sec.	Rule
	<p>Duties of the Manager - General</p> <ul style="list-style-type: none">- Supervise the administration of the affairs of the city except as otherwise specifically provided in this Charter- To make such recommendation to the Council concerning the affairs of the City as may seem to him desirable- Keep the Council advised of the financial condition and future needs of the City- Prepare and submit to the Council the annual budget estimate and such reports as may be required by that body (including an annual report of all the Departments of the City)- To see that the ordinances of the City and the laws of the State are enforced- To perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council- Except as otherwise provided in this Charter, all other administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the Manager or persons designated by him- Shall assume the position of Director of any Department under his control for which a Director has not been appointed- The Directors, or heads of the administrative Departments under the Manager shall be immediately responsible to him for the efficient administration of their respective Departments- The Manager may set aside any action taken by a Director or Department subordinate responsible to him, and may supersede him in authority in the functions of his office or employment- In case of a vacancy, the Manager may designate an interim acting head or perform personally the functions of the office

	<p>Duties of Manager - Budget</p> <ul style="list-style-type: none"> - The Manager, as Chief Budget Officer of the City, shall be responsible for planning the activities of the City government and for adjusting such activities to the finances available <ul style="list-style-type: none"> o He shall prepare annually a complete financial plan for the ensuing year and shall be responsible for the administration of such a plan when adopted by the Council o charged with the bringing together of estimates covering the financial needs of the City <ul style="list-style-type: none"> ▪ with the checking of these estimates against the information relative to past expenditures and income ▪ with the preparation of the budget document and supporting schedules and with the presentation of the budget to the Council - He shall have the power to employ experts, or consultants to perform work or give advice connected with the Departments of the City when such work or advice is necessary in connection therewith <ul style="list-style-type: none"> o If the cost of hiring said expert or consultant exceeds a sum to be established by ordinance of the City Council o no such expert or consultant shall be hired without approval of the Council o The Council shall provide sufficient funds in the Annual Appropriation Ordinance or by supplemental appropriation ordinances for such purposes and shall charge such additional services against the appropriation of the respective Departments
	<p>Duties of Manager - Contracts</p> <ul style="list-style-type: none"> - The Manager shall execute all contracts for the Departments under his control. <ul style="list-style-type: none"> o He shall approve all requisitions and vouchers for said Departments in person or through such assistants as he may designate for the purpose
	<p>Duties of Manager – Rules and Regulations</p> <ul style="list-style-type: none"> - The Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative Departments <ul style="list-style-type: none"> o The Director of each Department shall in like manner prescribe such rules and regulations as may be deemed necessary and expedient for the proper conduct of each Department o Not inconsistent with the general rules and regulations prescribed by the Manager
	<p>Duties of Manager – Transfers of Personnel Resources</p> <ul style="list-style-type: none"> - The Manager, subject to Civil Service regulations, is empowered to transfer employees temporarily from one Department to perform similar duties in another Department

	<ul style="list-style-type: none"> ○ Likewise each Department head shall have power to transfer employees from one Division to another within his Department - The Manager may direct any Department or Division to perform work for any other Department or Division <ul style="list-style-type: none"> ○ Such powers to transfer employees or to direct the performance of work shall not apply to the Police or Fire Departments
	<p>Duties of Manager – Emergencies</p> <ul style="list-style-type: none"> - In case of general emergency menacing life and property, the Manager shall marshal all the forces of the different Departments of the City for the maintenance of the general security, and shall have the power to deputize or otherwise employ such other persons as he may consider necessary for the purpose of protecting the City and its residents <ul style="list-style-type: none"> ○ The Council may, however, in any such emergencies authorize the Mayor to take command of the police, maintain order and enforce the law <ul style="list-style-type: none"> ▪ And in such authorized emergencies the Manager shall be subordinate to and shall carry out such duties as may be assigned to him by the Mayor

CHARTER SECTION 29: RESPONSIBILITY OF MANAGER – POWERS OF APPOINTMENT AND REMOVAL

	<ul style="list-style-type: none"> - The Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge <ul style="list-style-type: none"> ○ The Council may, however, in any such emergencies authorize the Mayor to take command of the police, maintain order and enforce the law ○ Subject to the Civil Service provisions of this Charter - Power to appoint and remove all officers and employees in the administrative service of the City under his control <ul style="list-style-type: none"> ○ The Manager may authorize the head of a Department or officer responsible to him to appoint and remove subordinates in such Department or office ○ Appointments made by, or under the authority of, the Manager, shall be on the basis of administrative ability and of the training and experience of such appointees in the work which they are to perform ○ All such appointments shall be without definite term unless for temporary service not to exceed sixty days ○ No person directly related to the City Manager by blood or marriage shall be eligible for employment unless such relative was in the employ of the City at the time of the appointment of the City Manager
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CHARTER SECTION 32: RIGHT OF MANAGER AND OTHER OFFICERS IN COUNCIL

	<p>Rights at Council Meetings</p> <ul style="list-style-type: none">- The Manager and such other officers of the City as may be designated by a vote of the Council may attend all meetings of the Council but shall have no vote therein- The Manager or other officer so selected shall have the right to take part in discussions
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CHARTER SECTION 32.1: RESPONSIBILITY OF MANAGER AND NON-MANAGERIAL OFFICERS TO REPORT TO COUNCIL

	<ul style="list-style-type: none">- The City Manager and all non-managerial officers of the City shall inform the Council of all material facts or significant developments relating to all matters under the jurisdiction of the Council as provided under this Charter except as may be otherwise controlled by the laws and regulations of the United States or the State of California- The Manager and all non-managerial officers shall also comply promptly with all lawful requests for information by the Council
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FINANCE
ARTICLE VII

(All executive authority, power, and responsibilities conferred upon the City Manager in this Article are transferred to the Mayor during the operative period of Charter Article XV. See Charter § 260(b).)

CHARTER SECTION 70: POWER TO FIX SALARIES

	<p>Duties of Manager – Control of Salaries</p> <ul style="list-style-type: none">- City Manager and other departmental heads outside of the departments under control of the City Manager shall have power to recommend salaries and wages subject to the personnel classification determined by the Civil Service Commission, of all other officers and employees within the total amount contained in the Annual Appropriation Ordinance for personal service in each of the several departments of the City Government- Upon recommendation of the Manager or other department head, and if funds are available, salary and wage schedules may be revised to the extent necessary to protect the City's interests
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CHARTER SECTION 73: TRANSFER OF APPROPRIATIONS

	<p>Duties of Manager – Transfer of Funds</p> <ul style="list-style-type: none">- Upon the written recommendation of the Manager, the Council may at any time transfer all or part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer
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CHARTER SECTION 74: APPROPRIATION REQUIRED FOR CITY DEBT

	Duties of Manager – Appropriate Funds for Debt <ul style="list-style-type: none">- An appropriation on account of the debt of the municipality, at least equal to the amount or amounts, estimated by the Manager to be required for the purpose, shall be included in each Annual Appropriation Ordinance passed by the Council
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CHARTER SECTION 81: ALLOTMENTS

	The Manager shall be responsible for establishing internal budgetary allotments based on the allocations contained in the annual appropriation ordinance for each department of the City
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CHARTER SECTIONS 90 -114:

Deal with various duties and responsibilities of the Manager which fall outside the scope of the 2007 Charter Review Committee.

THE RETIREMENT OF EMPLOYEES

ARTICLE IX

(All executive authority, power, and responsibilities conferred upon the City Manager in this Article are transferred to the Mayor during the operative period of Charter Article XV. See Charter § 260(b).)

CHARTER SECTION 144: BOARD OF ADMINISTRATION

a	13 Member Board of Administration <ul style="list-style-type: none">- Seven members shall be appointed by the Mayor and confirmed by the Council- No person who is a City employee, participant in the Retirement System, or City union representative may be eligible for appointment in this category
f	Appointee to Board of Administration by City Manager <ul style="list-style-type: none">- One (1) City management employee in the administrative service appointed by the City Manager to serve at the pleasure of the City Manager selected from the following:<ul style="list-style-type: none">o City Managero City Treasurero Deputy or Assistant City Managero Individual in a position who reports to the City Manager

STRONG MAYOR TRIAL FORM OF GOVERNANCE

ARTICLE XV

CHARTER SECTION 260: INTEGRATION OF ARTICLE WITH CHARTER

Sub-Sec.	Rule
b	All executive authority, power, and responsibilities conferred upon the City Manager in Article V, Article VII, and Article IX shall be transferred to, assumed, and carried out by the Mayor

CHARTER SECTION 265: THE MAYOR

Sub-Sec.	Rule
a	The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes
b	Mayoral Rights, Powers, and Duties <ul style="list-style-type: none"> - The chief executive officer of the city - Execute and enforce all laws, ordinances, and policies of the City <ul style="list-style-type: none"> o Promulgate and issue administrative regulations that give controlling direction to the administrative service of the City - Recommend to the Council such measures and ordinances as he or she may deem necessary or expedient - Attend and be heard at any regular or special open session meeting of the Council <ul style="list-style-type: none"> o May make recommendations to Council but no longer controls docket o Does not have the right to vote at such meetings even in tie situation - Approve or veto actions passed by the Council in open session - Attend and be heard at any closed session meeting of the Council <ul style="list-style-type: none"> o Subject to Council Rules, Mayor, Presiding Officer of Council, and City Attorney determine closed session agenda o When present, the Mayor shall preside over closed session o Does not have the right to vote at such meetings o No veto - Sole authority to appoint the City Manager <ul style="list-style-type: none"> o Subject to Council confirmation - Sole authority to direct and exercise control over the City manager - Sole authority to dismiss the City Manager without recourse - Sole authority to appoint the City Auditor and Controller <ul style="list-style-type: none"> o Notwithstanding contrary language in Charter section 39 o Subject to Council confirmation - Authority to dismiss the City Auditor and Controller, the Chief of Police or the Chief of the Fire Department

	<ul style="list-style-type: none"> ○ Notwithstanding contrary language in charter sections 30, 39, 57 or 58 ○ Subject only to a right for these city officials to appeal the City Council to overturn the Mayor's decision - Authority to appoint members of City boards, commissions, and committees <ul style="list-style-type: none"> ○ Provided in Charter sections 41 and 43 ○ Subject to Council confirmation - Appoint City representatives to boards, commissions, committees and governmental agencies <ul style="list-style-type: none"> ○ Unless controlling law vests the power of appointment with the City Council or a City Official other than the Mayor - Cooperate fully with the Council and the Office of the Independent Budget Analyst - To propose a budget to Council and make it available for public review, no later than April 15
c	State of the City Of San Diego <ul style="list-style-type: none"> - Communicate to the City Council a statement of the conditions and affairs of the City - On or before the 15th of January of each year
d	No person shall serve more than two consecutive four-year terms as Mayor
h	Upon appointment as Mayor all other city offices held by that individual are vacated
i	Vacancy in the Office of Mayor <ul style="list-style-type: none"> - During the period of time when an appointment or election is pending, the presiding officer of the Council shall be vested with the authority to - Supervise the staff remaining employed in the Office of Mayor - Direct and exercise control over the City Manager in managing the affairs of the City under the purview of the Mayor - Exercise other power and authority vested in the Office of the Mayor - Such limited authority would not include the exercise of the power of veto or any other discretionary privilege which is enjoyed by a person appointed or elected to the Office of Mayor - The presiding officer does not lose his or her rights as a member of the Council

CHARTER SECTION 280 – APPROVAL OR VETO OF COUNCIL ACTION BY MAYOR

Sub-Sec.	Rule
a	Mayoral Veto Power over all resolutions and ordinances passed by Council with the following exceptions <ul style="list-style-type: none"> - To matters that are exclusively within the purview of Council (Council Procedures, Selection of Presiding Officer) - To those matters where the Council has acted as a quasi-judicial body (land use and CEQA)

	<ul style="list-style-type: none"> ○ Where a public hearing was required by law implicating due process rights of individuals affected by the decision ○ Where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented - Emergency Ordinances - Annual Appropriation Ordinance (<i>Refer to Section 290 Subsection d</i>) - The Salary Ordinance, which instead shall be subject to veto in accordance with the process described in Section 290.
b	Matters not subject to the Mayor's veto power <ul style="list-style-type: none"> - Shall be clearly indicated as such on the Council's agenda - Within the body of the resolution or ordinance - Signed to form and legality by the City Attorney as per Section 40
c	Passed by the Council and subject to Mayoral veto <ul style="list-style-type: none"> - Resolution or Ordinance shall, within 48 hours, be transmitted to the Mayor by the City Clerk - The Mayor shall act upon each resolution or ordinance within ten business days of receiving the City Clerk's transmittal - The Mayor shall either <ul style="list-style-type: none"> ○ Approve the resolution or ordinance by signing and returning it to the City Clerk within the specified time limit ○ Veto any resolution or ordinance and return it to the City Clerk with his or her written objection within the specified time limits - Failure to return within the specified time limit the resolution or ordinance shall take effect without the Mayor's signed approval <ul style="list-style-type: none"> ○ City Clerk shall note this on official copy

CHARTER SECTION 285 – ENACTMENT OVER VETO

Sub-Sec.	Rule
	The Council shall reconsider any resolution or ordinance vetoed by the Mayor within 30 days of that veto <ul style="list-style-type: none"> - If at least five members vote in favor of passage, Mayoral veto is overruled - If more than five votes are required for the passage of any resolution or ordinance by the provisions of the Charter or other superseding law, such larger vote shall be required to override the veto of the Mayor

CHARTER SECTION 290 – COUNCIL CONSIDERATION OF SALARY
ORDINANCE AND BUDGET; SPECIAL VETO POWER

Sub-Sec.	Rule
a	Salary Ordinance by April 15 each year <ul style="list-style-type: none">- The Mayor shall, within five business days of receipt of the Salary Ordinance introduced by Council, either approve the ordinance as introduced or veto all or any specific provision within the ordinance
b	Prior to June 15 of each year, the Council shall hold a minimum of two public hearings to consider the budget submitted by the Mayor <ul style="list-style-type: none">- If approved by the Council as proposed by the Mayor, the budget shall become a controlling document for the preparation of the Annual Appropriation Ordinance for the ensuing fiscal year- If modified by the Council, the budget shall be returned to the Mayor<ul style="list-style-type: none">o The Mayor shall, within five business days of receipt either approve, veto, or modify any line item approved by the Council
d	The Mayor shall have no power of veto over the Annual Appropriation Ordinance